

The Amherst City Council Meeting was brought to order in a Regular Session with President Wasilk opening the meeting at 7:00 p.m. Present were Mr. Dembinski, Ms. Harmych, Mr. Wachholz, Mr. Nahorn, Mr. Janik, Mr. Heberling, Mr. Winiarski, Mayor Costilow, Law Director Pecora, Assistant Law Director Ward, Auditor Phillips, Treasurer Ramsey, Safety/Service Director Jeffreys. Also present were Mr. Richard and Mr. Greg Sommers, Chronicle Reporter Hoffman and many residents from the potential Quarry Creek Development area.

The Prayer was invoked by Chaplain Janik, followed by the Pledge to the Flag led by Sergeant at Arms Dembinski.

Consent Agenda: The Clerk read the Consent Agenda. Mr. Nahorn motioned to approve the Consent Agenda as read. Seconded by Mr. Dembinski. Voice vote 7-0 to approve the Consent Agenda.

Acknowledgement of the Public pertaining to items on the agenda: The residents asked to speak prior to Council taking a vote on the Reconsideration of the Quarry Creek ordinance. Mrs. Wasilk said that only new information be presented and to limit each speaker to three minutes.

Mrs. Meghan DuBois of 6140 N. Dewey reported that she distributed flyers to almost every home in Amherst Village. She wanted the residents to know that although Council voted against the development, the Mayor had announced that he would be calling all the council members and hoping that someone reconsiders their vote. The reconsideration item was on the agenda days ahead of time. The residents know that the emergency access will have a lock on it and it will be one lane and a deed restrictions will prevent the residents from using it. Many people that she spoke to think that getting out of an emergency vehicle to unlock the gate is ridiculous. All 338 residents who received this flyer understand that N. Dewey will be a one way road and have to deal with the intersection of N. Dewey and N. Ridge. They also know who voted for and against the development and will be interested in what they decide. The flyer she is referencing is different in that it references N. Dewey being a one way road and the possible dangerous intersection of N. Dewey and N. Ridge with all the additional homes. She does not feel it's logical to accept the problematic fact that it could be worse with commercial development going back there. She disagreed that a commercial venture would add more traffic. She read off the names and some of the comments made by the residents. The flyers/petitions are on file with the Clerk.

Mrs. Darlene Eddy of 109 Ceaser's Circle asked Safety/Service Director Jeffery's opinion on the safety issue of N. Ridge and Dewey Roads. She described people being on her bumper behind her while she is waiting to get on N. Ridge. With the 174 units going in, traffic will be much heavier. She wonders if he has assessed that situation personally. She asked if he felt there should be a traffic light or signs for that area to get people to slow down, or the speed limit should be reduced? Mr. Jeffreys said he has assessed the situation and has worked with the Mayor. He does trust our experts such as the traffic engineers. He is comfortable with the situation. Mrs. Eddy asked if a traffic light or signs asking people to slow down should be utilized? Mr. Jeffreys said a traffic light is not recommended per our engineers. Mrs. Eddy asked if he has personally gone there and pulled out onto N. Ridge from Dewey? Mr. Jeffreys said he had and has travelled that area many times.

Mrs. Cheryl Sirow of 86 Caesar's Circle said she is against the development. When this started, it was supposed to be a smaller development there. Every time a change happens. 174 units/families. She knows in the last few years that the schools have closed their open enrollment because they don't have more room for more students in Amherst. So where will these students go that will be in this development? From the edge of the development to the end of Dewey Road, it's 3/10 of a mile. 350 cars due to most people in families have two vehicles per house that will use this road daily. These are not retired people. These are families who work and go to school. There are school busses who will have to come back and forth. She feels it's very dangerous. She has lived there for 16 years and there have been many fender benders. The residents don't call the police for those, they just take care of it on their own. It is very, very unsafe and she is against this.

Mr. James DuBois of 6140 N. Dewey said the new information he has is probably not new to Council but he does not think the rest of the residents are aware. The copies of the traffic studies that were done – the first one was done during COVID with a disclaimer by ODOT

stating that this data was significantly less than normal times (not COVID) and it shouldn't probably be used except to expediate something that has to be put in. But if at all possible, there should be another traffic study with new data with actual real traffic and after COVID lockdowns and everything going back to normal. So the data that was used was faulty to begin with. Because of this, City Council asked the Mayor to provide a new one. He did using the same data. So the second one is also flawed. The ladies talking about the traffic at the intersection of Dewey and N. Ridge are correct in that traffic will be horrendous. The 85 to 90 is nowhere near where it's actually going to be. The peak hours that they picked to make the COVID situation even worse. He is in health care and he was long gone in Cleveland and clocked in by the time those peak hours were reached in the morning. And he dares say that everyone at Mercy Hospital was too. Those were about the only people going out at that point. He is honestly not against having a development there. He spoke briefly with Mr. Sommers just before the meeting. He is not really against it, but it needs to be handled right. That traffic data is faulty. It is from COVID and not even close to reality. A new study needs to be done as recommended by ODOT. They recommended that we wait, and get a new study, and barring that, they should go back even further, before COVID and look at the traffic patterns back then and to look at as many as they can. If this does pass, and his understanding is that it probably will, the left hand turn lane coming off N. Ridge going onto North Dewey is misguided. That's not where it needs to be. When you are coming out of North Dewey onto N Ridge, taking a right hand turn, that's where people will get nailed. They are coming over a hill around a turn, you cannot see people, it's a hidden road coming out of nowhere. There should be, he thinks, a continuous right hand turn coming out of N Dewey onto N. Ridge if you want to try and mitigate the traffic problems. That is the way to do it, not a left hand turn lane.

ORDINANCES AND RESOLUTIONS FIRST READING: NONE

ORDINANCES AND RESOLUTIONS SECOND READING:

- (a) A Resolution authorizing the Mayor to participate in the Ohio Department of Transportation winter contract for road salt for 2024-2025; and declaring an emergency. (A-24-22)

Mr. Dembinski motioned to suspend all Council rules so that this may be passed in its second reading. Seconded by Mr. Wachholz. Roll call vote 7-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Mr. Janik. Roll call vote 7-0 to adopt. Becomes R-24-02.

ORDINANCES AND RESOLUTIONS THIRD READING:

- (a) A Resolution amending City of Amherst Resolution No. R-24-01 for Automated Clearing House and Electronic Transactions and repealing all Resolutions in conflict herewith. (A-24-20)

Mr. Dembinski motioned to adopt. Seconded by Mr. Wachholz. Roll call vote 7-0 to adopt. Becomes R-24-03.

RECONSIDERATION (Amherst Codified Ordinance § 121.04 (29)):

- (a) Reconsideration of motion to adopt an Ordinance: approving the Final Development Plan for the Quarry Creek Residential development and rezoning and approving such development as a Planned Development District. (A-24-15)

Mayor Costilow said he had noted a couple of weeks ago that he would ask for a reconsideration of this ordinance. He dug into what more can be done, safety being brought up as the largest concern about this development. The experts which we have to rely on, like Mr. Appell with Bramhall Engineering have looked at all the studies and there were other experts with the developer and we actually hired TMS to do a later study. The one suggestion is to do further traffic studies once this is partially built out to see how it's going. The other thing that was brought up consistently when he called out, and he thanked everyone that called back and shared their concerns, is the condition of Dewey Road; that the road is narrow and the safety of that. He has been there three times on his own, the engineers have been there, drove it and got out in spots too look at the road. The engineers decided that it is possible to widen that road. He asked Bramhall to provide a proposal so council could see something in writing. So Council is aware that they are planning on working on that road. The developer has also graciously offered to contribute \$15,000 for some preliminary engineering, which would be the first phase of doing this. Bramhall Engineering seems to think that the road can be widened in phases and could be widened by

the end of this year. However, after walking the road, they found there could be some difficulties due to utilities, such as cable, phone, First Energy. If this ordinance passes, he will bring this to council in this form. This will be expensive, he will not kid around about that. But it will be well worth it due to the safety concerns. This will also include in phases a walking path or sidewalks on the eastern side of the road. He will be working with the MetroParks, the Port Authority and the Township on this. It will be a big partnership, a lot better chance of sidewalks or walking trails paid for by Federal Grants – for when more than one entity works together. All those public entities that he spoke to are excited about the prospects of a walking trail from that whole length of that road which would connect to the other parks and connect to from south of N. Ridge all the way to Edgewood all the way across the walking/safety bridge to Rt. 58. This all depends on if this passes. He hopes everyone has received the specs/proposal from Bramhall Engineers which shows the intent on widening that road; that it can be done. The ideal way of doing this would be to widen it and to make it as safe as possible, and then when this construction is near end and all the big pieces of equipment are gone then we would pave the top and stripe it and do all that. It's doable. He is not going into all the plusses again, there is a lot of economic benefits. He thinks the Building Department reached out with some of the impact on their department. There is over \$600,000 for the schools. Someone mentioned the schools and this development will generate \$600,000 for the schools a year. The more utility customers we have, will help keep our utility costs lowers. He hopes they can see their way for a reconsideration. They have done everything they can do to mitigate safety on this project. He does not know how much better he can explain that. A motion by the prevailing side is requested.

Mr. Heberling thanked the Mayor for his several phone calls this past week. He apologized for not reaching out quickly as he was waiting to hear back from someone. He had reached out to our law enforcement in Amherst and asked a few questions regarding this development and the fact that there was an addition to putting in a safety entrance just for safety vehicles and if this was an issue. He agreed that getting out of a vehicle during emergency will be cumbersome to say the least. Although having that entrance is not the worst thing. That's on the builder/contractor for considering that and putting it out there and making it possible. With that he commends the builder as well because he was working with us and finding the best possible avenue to go with this development. He had major issues that needed to be overcome, one was that entrance, the second was widening of Dewey road, which was a great concern and Mayor has allowed for that to be considered and looked at and to come to fruition. We thank the builder for hearing him out with this. Third was the sidewalk which he thought would be a big issues especially with the new development. The old development on Dewey as well as the Amherst homes that are there too as well, connecting them, because of a possibility down the road of having a connection with MetroParks which he thinks will be tremendous for that area. It may not sound fantastic at the moment but will be very nice down the road for our area. So hearing that and having his three concerns honestly addressed, which was tremendous, and which he did not think would come to fruition, especially so quickly. Having his issues and concerns addressed, he motioned (with Mr. Ward advising on the verbiage to be used) **to reconsider the vote to adopt an Ordinance: approving the Final Development Plan for the Quarry Creek Residential development and rezoning and approving such development as a Planned Development District. Seconded by Mr. Wachholz.** Mrs. Darlene Eddy asked Mr. Sommers if he would consider lowering the number of units he wants to put back there. She would then not have such an issue with the safety of N Ridge and Dewey with fewer cars in and out. From the map, it looks like these homes are closer than the homes in Amherst Village. The look like they're too close to one another. She knows that each unit will have more than one car using Dewey Road so wanted to ask him that might be a possibility? Instead of 174, 150? 140? Mr. Sommers said he would not consider that at this time. Mr. Len Gilles of 6024 Dewey Road had spoken to Mr. Heberling and he knows Mr. Heberling waited to see if they would do things that might help out and putting a sidewalk in for MetroParks – property they will take is his to widen the road and to do what they have to. He understands, but does not like it. No one addressed that there is a bottleneck in the beginning. If they widen the road, the widening of the road does not help the bottleneck so the safety issue is the same. If they put a sidewalk it would be awesome, he guesses, but now you will have all those people who are walking and still have to put something in to cross N. Ridge Road. There is no stop sign there. Will they put a walkway in? Coming down the hill and at 35 MPH and if you don't see people walking across the road, maybe the dog with you goes into another direction, and boom. Now the city has to spend more money and then has to deal with the problem they already have. The bottleneck is why we keep saying, 174 homes is ridiculous. We are not saying "don't build." We didn't say that all. Actually, if you build like 100 units back there that

probably would help some of our property values and things would actually be working for them. These people, the Dubois, where will they put a sidewalk or road? If they widen the road they have to widen into their yard. And they can't put a sidewalk there. He is saying that it's great they are making steps, but consider that they are not making things safer, they are making things worse. Mr. Heberling thanked Mr. Gilles for being here and he is saying from the heart as their families are golden and he loves them. With that being said, one of the things he discussed with the Mayor and a couple of others, was the fact that the sidewalk and widening of the road would not affect the houses in the left side of Dewey and their yards. That was one of his desires to make happen and they have expressed the ability to make that happen. So definitely that was a big concern of his, making sure that it goes on the east rather than the west side of the road. As for the crossing of that road, down the road he knows there are plans in the future that he can't expound on that right now. He knows that when we had those discussions over the past week, he brought that up, crossing N. Ridge, crossing Dewey and that we had adequate safety. That was assured to him that that is going to be the utmost concern when that time comes when they have that park entrance put in and those plans laid in place. He doesn't know what those plans will be. But knows that whatever it takes – we will make sure it's as safe as possible for people living there and for those utilizing that. Mayor Costilow said whenever that crossing is considered, it will be engineered and will be safe, either bridges, tunnels. He does not know but it will be engineered properly. Everything on the right side, that's a 60' wide right of way and no one's yard on either side will be taken. He is not saying that nothing will happen on the west, maybe a foot or 18 inches, if there is some electric, but there is 20 feet there that's city. There is enough on the east side of the road that he thinks is enough for everything they want to do. It could be a very small chunk and he hopes Council realizes that it will be done on the east side. Mr. James Dubois 6140 N. Dewey said regarding what the Mayor said, regarding the city portion, it is not city, he went out yesterday to find his corner pin and it's right smack in the middle of the road, it's township road. Townships didn't take that. It's a right of way but he owns that, and he uses that and he cares for the assurance that he would lose maybe a foot or 18 inches, and he gets that. But the other side of the road is the same. That's actually someone's property. You have the right of way, it doesn't mean they will like it. It doesn't actually belong to the city, the city is allowed to use it if they need it. Look on the map. Look on the auditor's maps. His property goes to the centerline all the way down the road. Mr. Pecora said the city has the right of way to do as it needs. When you purchase property within the municipality, you are purchasing at your own risk. Mr. DuBois said Mr. Pecora was correct. Mr. Pecora said that he would know that this could happen. Over time roads have gone to different widths. We know through history review that you might be encumbered on. The city has the priority of the right of way. Mr. DuBois agreed with that and said he has studied that and agrees that this is the law and has been aware of that for many years. But that does not mean that we don't use it just because the city could at some point. That is their property and yes, City has a right of way, but it's still theirs. They paid for it and they would like to use it. If the city wants to talk about the "right to", he can always pull out the eminent domain issue. A whole house can be lost. Mr. Pecora and Mr. Gilles discussed eminent domain. Mr. Pecora said eminent domain is beyond the right of way. The right of way is for city appurtenances. Mr. Gilles said that does not mean that he doesn't want to use his property. Just because the city has right to take it and use it if they want or need doesn't mean that his kids don't play on that 20 feet right now. And he does not use that to walk from his door to the mailbox right now. He appreciates their point, but they need to listen to him as well. He is not the only one that will be losing the use of his property. If that were to happen. And they already explained that he will not lose much, maybe 12-18 inches but anywhere that you widen the road, that was township and was annexed that was not built in with the city owning this. These people think of that as their property and it is. Roll call vote 5 to 2 with Ms. Harmych and Mr. Winiarski voting no to reconsider this ordinance. Mr. Wachholz motioned to adopt. Seconded by Dembinski. Roll call vote 5-2 with Ms. Harmych and Mr. Winiarski voting no to adopt. **The ordinance passes and becomes 0-24-18.** Several residents left the meeting at this point.

Miscellaneous and acknowledgement of the public: There was no one speaking.

Agenda requests and committee meeting schedules:

- A-24-23 Finance Re-appropriate fund in the Auditor’s Office to cover part time wages; with emergency.
- A-24-24 Police/Fire Reinstatement of DORA
- A-24-25 Streets Authorization to enter into an agreement with Norfolk Southern Railway Co. for bridge work within the City; emergency

Finance May 6, 2024 at 7:00 p.m. A-24-23
 Police/Fire May 6, 2024 at 7:05 p.m. A-24-24
 Streets May 6, 2024 at 7:10 A-24-25

The remaining Council Committee Meetings for 5/6/24 are cancelled.

Reports of the Administration:

Auditor Phillips: Reported that their office is going through their yearly preliminary gathering of information by the state auditor’s office and they were very happy with the cooperation by our city. They will return in June.

Treasurer Ramsey: They are processing the returns.

Law Director Pecora: No report

Safety/Service Director Jeffreys: No report.

Mayor Costilow: Reported the pool employee applications have come in very well.

So they will be opening the pool. He complemented the Treasure’s Office that their staff actually helped out a lady when it was after hours. The employees in that office go above and beyond and he appreciates that. The railroads are getting all their information ready to he may have an Agenda request for that. He thanked everyone that reached out to him and called him and shared their concerns. That meant a lot to him.

Mrs. Wasilk thanked Mayor Costilow for working with the railroad as the underpasses have been a safety issue for decades. Working with the railroad is a slow process so she is very happy that the Mayor was able to accomplish this. She is very appreciative of this.

Mr. Heberling motioned to accept the Reports of the Administration. Seconded by Mr. Wachholz. Voice vote 7-0 to accept the Reports of the Administration.

Mr. Wachholz motioned to adjourn. Seconded by Mr. Heberling. Voice vote 7-0 to adjourn.

The meeting was adjourned at 7:47 p. m.

Olga Sivinski, Clerk of Council

Jennifer Wasilk, President of Council